



Docket No. BMID 9918 CUS

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Ihlenfeldt et al.

Application No.: 10/025,826

Group No.: 1634

Filed: 12/19/2001

Examiner: Betty J. Forman

For: STABILIZED AQUEOUS NUCLEOSIDE TRIPHOSPHATE SOLUTIONS

**PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM UNDER 35 U.S.C. 120**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to accept an unintentionally delayed claim under 35 U.S.C. 120 of a prior filed copending nonprovisional application Serial No. 09/308,034 for the following reasons.

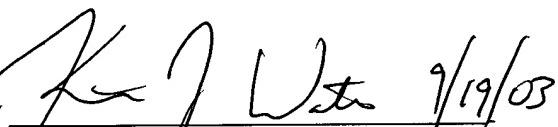
1. Applicants filed continuation application 10/025,826 on December 19, 2001 claiming co-pendency with the subject parent application serial no. 09/308,034. A copy of the transmittal form claiming co-pendency is attached. However, Applicants unintentionally failed to submit the reference required by 35 U.S.C. 120 along with the continuation application. This discrepancy was noted in the Examiner's First Office Action. Applicant's are submitting a Response and Amendment to said Office Action in which they request entry of an amendment to the specification to include the required claim for priority in the first line of the specification should the present petition be granted.

2. The entire delay in submitting the required reference from the due date for making the submission until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(3) was unintentional.

3. The requisite surcharge as set forth in C.F.R. § 1.17(t) is \$1,280. Please charge the above-identified fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 50-0877.

In light of the foregoing, Applicant respectfully requests that Applicant's claim for priority as set forth in the contemporaneously-filed Response and Amendment be accepted.

Respectfully Submitted,

By  9/19/03

Kenneth J. Waite  
Reg. No. 45,189  
Roche Diagnostics Corp.  
9115 Hague Rd.  
Indianapolis, IN 46250  
(317) 521-3104